

The Ethical Practices Attorney - IUOE Local 14-14B

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By ECF

The Honorable Sterling Johnson, Jr.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Duffy v. Int'l Union of Operating Eng'rs Local 14-14B, et al., Civil Action No. 10-3111-SJ (E.D.N.Y.) (the "Duffy Litigation")

Dear Judge Johnson:


I write to request that my reply papers in further support of my motion to dismiss Plaintiffs' Complaint in the *Duffy* Litigation be due on or before November 4, 2010, rather than November 8, and all Defendants' motions to dismiss Plaintiffs' Complaint be heard on November 9, 2010. All parties have consented to my request.

On July 8, 2010, Plaintiffs filed a Complaint against Local 14 and its Line Officers (the "Local 14 Defendants"), the New York City Department of Buildings and its Commissioner, Robert LiMandri (the "Buildings' Department Defendants"), and me. The Local 14 Defendants and the Buildings' Department Defendants moved to dismiss the Complaint on September 9 and 10, respectively, and their motions are now fully briefed. On September 9, Your Honor ordered a briefing schedule on consent for my response to the Complaint. According to the briefing schedule, I was required to move to dismiss Plaintiffs' Complaint by or on September 24, Plaintiffs were required to serve their opposition papers to my motion to dismiss by or on October 25, and I am required to serve my reply papers in further support of my motion to dismiss by or on November 8. Your Honor also scheduled the hearing on my motion to dismiss for November 18. I accordingly moved to dismiss Plaintiffs' Complaint on September 24, and Plaintiffs filed their opposition papers to my motion to dismiss on October 25.

On October 21, Your Honor held a status conference with respect to Plaintiffs' Motion for Preliminary Injunction in the *Duffy* Litigation and the EPA's Petition for Enforcement in *United States v. Local 14-14B of the Int'l Union of Operating Eng'rs*, Civil Action No. 08-3046-SJ-JMA (E.D.N.Y.). At the conference, Your Honor directed all parties to return to Court on

November 9 for oral argument concerning these two actions. Therefore, in the interests of efficiency and judicial economy, we request on consent that my reply papers in further support of my motion to dismiss Plaintiffs' Complaint in the *Duffy* Litigation be due on or before November 4, rather than November 8, and the hearing on all Defendants' motions to dismiss the Complaint also be scheduled for November 9.

Respectfully submitted,



George A. Stamboulidis

cc: Frederick K. Brewington, Esq. (by ECF)
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